



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Planning Board Minutes

Wednesday, January 20, 2016

7:00pm @ Community Development Department

Alan Carpenter, Chairman –Excused
Kristi St. Laurent, Member - Present
Margaret Crisler, Member - Present
Joel Desilets, Selectman - Present
Kathleen DiFruscia, Alternate - Present
Ross McLeod, Alt Selectmen - Excused

Paul Gosselin, Vice-Chairman - Present
Dan Guttman, Member - Present
Ruth-Ellen Post, Member - Present
Gabe Toubia, Alternate – Excused
Matthew Rounds, Alternate - Present

STAFF:

Elizabeth Wood, Community Planner, AICP
Laura Scott, Director Community Development
Suzanne Whiteford, Minute Taker

Call to Order/Attendance/Pledge of Allegiance

Matt Rounds seated for Alan Carpenter

Kathleen DiFruscia seated for Ruth-Ellen Post

Public Hearings

Case#2015-26/Chadwick Place /55 + Housing/Major Preliminary Site Plan/Watershed/WWPD Special Permit (Continued from 12/16/15)

A Major Preliminary Site Plan for 55+ Housing; and Major Watershed/Wetland and Watershed Protection District (WWPD) Special Permit Applications have been submitted for 98 Range Road (17-I-300), a 9.47 acre lot (412,513.2 sq. ft.), located in the Rural District Zone, Cobbetts Pond and Cenobite Lake Overlay Watershed Protection District, and WWPD. The applicant, Peter Zohdi, of Edward N. Herbert Associates, Inc., on behalf of Chadwick Asset Management Land Holdings, LLC., is proposing to construct fifteen (15) single-family, detached housing units for residents ages 55+, in adherence with Section 610 of the *Zoning Ordinance* pertaining to Housing for Older Persons. A 24' porous private driveway/road is proposed off of Range Road to access the development and two bio-retention/detention pond areas are designated for drainage. The homes are proposed to be served by two (2) onsite wells and onsite leach fields. A 5' walking trail is proposed along the perimeter of the property. A WWPD Special Permit is being requested for the installation of road shoulder work and a portion of the 5' walkway for a permanent disturbance of 11,500 sq. ft. to the WWPD. A total of 7.66 acres (333,669.6 sq. ft.) or 80% land area is proposed for open space.

Ms. Wood reviewed the condition on the motion to continue the Major Preliminary Site Plan Application.

Ms. Wood read out loud comments from Conservation Commission

Mr. Peter Zohdi, of Edward N. Hebert Associates, Inc. represented the Application.

Dr. Rick Van de Poll, CWS #110, Ecosystem Management Consultants

Dr. Van de Poll looked at the site January 5, 2016 with an excavator on site that dug 11 test pits.

Dr. Van de Van de Poll reviewed his wetland investigation report which is available on file for review.

7:19pm Ms. DiFruscia joined the Board and seated for Ms. Post.

Mr. Guttman asked the following questions/concerns:

- How impactful was the snow on the ground.
- Is it possible fill was added when the stumps were removed.
- Mr. Guttman noticed Van de Poll visit was coordinated with Mr. Gove. Is the common practice?
- Were there any areas of disagreement between you and Gove?

Mr. Van de Poll's responses to Mr. Guttman's questions/concerns:

- The snow was not an issue.
- Mr. Van de Poll did not observe any fill over wetlands.
- It's not unusual for 2 people to go together.
- Mr. Van de Poll and Mr. Gove essentially had no disagreements.

Ms. Crisler commented the applicant cleared the area which created additional wetlands. If he had not cleared the land before meeting with the Planning Board this would not have happened.

Mr. Van de Poll agreed.

Ms. Crisler asked about the stream running through the property.

Mr. Van de Poll replied it is not a perennial stream, after soil testing it appears this was an old farmer's ditch, probably about 150 years ago. This is not a protected stream.

Mr. DiFruscia asked the following questions/concerns:

- If you have something manmade over 100 years ago for agriculture purposes is it within the realm of acceptability that something once manmade can manifest itself as a stream?
- There's a lot of flooding from the ditch over the wetlands and into the lake.
- 5 wetland areas were identified, 3/5 probably manmade from clearing. What is the impact from manmade wetlands vs. natural wetlands?
- Was this an overlay on the map that was done by Mr. Gove.
- B1 b56 is larger than what was initially assessed. What would account for the expansion?
- There is more expanded wetland in the primary area what is your recommendation?
- I didn't see Granite 2010 mapping in your packet. Is there any significant difference between then and what you saw currently from the perspective of the google earth map?
- Did you do assessment of the wetlands on the abutting property and did you look at it to see if there is any contiguous wetland onto the property.

Mr. Van de Poll's responses:

- He would consider it an intermittent flowing water body.
- Mr. Van de Poll used an assessment tool that looks at the functions of the wetland. He went down the list himself and looked which functions would be compromised. There is not one single function if they go away. It is an important role in flood storage capacity.
- Mr. Gove's delineated wetlands are on the map.
- Expansion by virtue of due to clearing.

- Mr. Van de Poll would encourage the applicant to protect the wetland to the best of his ability. Better flood storage, better trapment of sediments from runoff; it is his recommendation to protect that wetland as much as possible
- Mr. Van de Poll reviewed remote data, the 2010 photographs, and estimated the acreage within 15%.
- Mr. Van de Poll can only base his opinion on one particular image set.
- Largely it is a benefit to calculate the site before the visit.
- Mr. Van de Poll confirmed he looked at the assessment and there is a disconnect between the ditch and the wetland, it is not contiguous.

Mr. Rounds had the following questions/concerns for Mr. Van de Poll:

- How would you define B?
- In its original configuration before modification would it have been high?
- Unit 7 is in the middle of the wetlands, is that because of the logging, how did the wetland shift?
- Would you consider this a byproduct of logging as opposed to intentional redesign?

Mr. Van de Poll's responses:

- Mr. Van de Poll would define B as medium low, currently.
- No, it would not have been high before modification. Mr. Van de Poll looks at the size, diversity, and the landscape.
- Predisturbance, Mr. Van de Poll considered it to be medium quality wetlands.
- The stump dump changed the flow of the direction of the water; Mr. Van de Poll would consider this a byproduct of logging.

Ms. Crisler asked how deep is the soil down to ledge. Will there be any blasting?

Mr. Van de Poll replied he went down to the maximum depth of about 32 to 33 inches and did not hit ledge.

Ms. Crisler asked if the wetlands delineated are now protected wetlands according to the town's ordinance.

Mr. Van de Poll replied yes, they would need a permit.

Mr. Guttman commented these are jurisdictional wetlands. Specifically, with the contours of the road, would this be a no salt or a low salt road. Why would we put senior housing in an area that we couldn't salt the roads?

Mr. Van de Poll would have to do greater studies to answer that question.

Ms. DiFruscia wanted to point out that Cobbetts Pond is classified by DES as an impaired water body.

Mr. Van de Poll advised that the Planning Board give it due consideration.

7:47 pm Ms. St. Laurent joined the Board. Ms. Post joined the Board. Ms. DiFruscia remained seated until the end of this hearing. Ms. Post opted to leave DiFruscia seated for the remainder of this case as she has been here from the beginning.

Mr. Guttman thanked Mr. Van de Poll for providing such accurate and precise work.

Mr. Gosselin asked Mr. Van de Poll to clarify if he and Mr. Gove are in agreement with what is reflected on the map as wetlands.

Mr. Van de Poll replied he did the delineation solo after, the test pits were done together with Gove. We are consistent in our opinion about the location of the wetland.

Mr. Gosselin asked Mr. Gove to come to the podium, and concur with Mr. Van de Poll.

Jim Gove, Gove environmental services made the following comments:

Mr. Gove assisted Mr. Van de Poll with the test pits. Mr. Gove left prior to Mr. Van de Poll's delineations. Mr. Gove has looked at Mr. Van de Poll's maps and reporting and is in complete agreement with Mr. Van de Poll.

Mr. Desilets asked Mr. Van de Poll to confirm the flags were picked up and that the green on the map represents what Mr. Van de Poll did. Mr. Van de Poll confirmed.

Ms. DiFruscia inquired about Wetland E

Mr. Van de Poll pointed to the area on the map that shows the wetland stops at the dash, and pointed to the direction of the flow of the wetland which joins the ditch outside of the property, it is intermittent/seasonal and largely a stoney basin with seasonal surface water flow.

Ms. DiFruscia asked in the event of a 100 year storm what would be the impact of water flow into the ditch.

Mr. Van de Poll replied the impact of waterflow into the ditch would be negligible.

Ms. DiFruscia asked Mr. Van de Poll why are we seeing so much flooding over the road into the wetlands and into the lake? What is causing that?

Mr. Van de Poll replied more than likely impervious surfaces are the contributor. Mr. Van de Poll suggested that the Planning Board have the developer ensure that larger flooding events be constructed to handle the water flow on site; and it should be easy to accomplish.

Mr. Rounds asked if two detention ponds would be adequate.

Mr. Van de Poll replied there is enough space on the site to handle the flooding; he has not seen the specs.

Ms. St Laurent asked is the change done or, if it sits another couple of years will it change again.

Mr. Van de Poll replied it may change in a very small way. Keep in mind these were non wetland areas prior to the logging. An average 6-inch maple will drink 120 gallons of water.

Mr. Zohdi commented he does not have any problem with Mr. Van de Poll's and Mr. Gove's assessment.

Mr. Zohdi requested that if possible, to close the first section of public hearing so he can apply for a final hearing to the Planning Board.

Mr. Guttman would like to see the traditional yield plan. He has some concerns about the calculations.

Mr. Zohdi commented that the regulation does not call for a traditional yield plan and will not voluntarily offer a traditional yield plan.

Ms. Wood commented a yield plan is not required, however there is a provision in the regulations that the Board may request additional studies if necessary.

Mr. Guttman believes in light of the change of expansion in wetlands it would be valuable to see what a traditional yield plan would provide. Mr. Guttman has concerns about the legality of 55+ plans.

Mr. Gosselin referred to Mr. Keach's report, paragraph 3, and asked if the bonuses Mr. Zohdi is using in his calculations, based on soil based lot sizing, are warranted? Mr. Keach confirmed 12 + bonus to get to the number Mr. Zohdi is proposing.

Attorney Cronin commented that the yield plan is not easy to do and is not required. Development of houses on this lot will not diminish the functionality of the wetlands. Concern about Guttman's commentary and body language concerning the clearing may be his personal request.

Mr. Desiltes commented that this parcel supports 12, 2 bedroom units and asked the applicant if that number was based on senior housing using less water.

Mr. Zohdi commented that his plan is based on 4 bedroom houses per HISS soil mapping with a bonus density and a water consumption 300 gallon/day.

Mr. Rounds asked Mr. Zohdi if he could speak to the flooding.

Mr. Zohdi replied that the plan he designed would move the road further away from the wetland and he would have to do some engineering in the wetland area. Mr. Zohdi stated that all that information has been submitted to the state of NH and Keach Nordstrom.

Mr. Gosselin opened to public discussion

Derik Monson, 18 Turtle Rock Road provided the following comment:

- Appreciate the plan with the water quality treatment.
- Disagreed with the stream.
- Are you going to provide protection? Mr. Zohdi replied yes.
- Concerned with the water that is running into the lake.
- Would like to see some sort of agreement that the new owners that they will agree and adhere to; and town ensures they are maintained properly.
- Mr. Guttman asked if there are any concerns about putting in porous pavement and additional salt in the road.
- Mr. Monson replied that obviously you don't want to use any salt because once salt is in the water it doesn't come out.

Michael Nikitas, 17 Bella Vista Rd.

- The stream that runs along the road gets flooded out with rain and has been rebuilt multiple times because of flooding.
- When we have not had rain for weeks there is still water running down the stream along the road.
- This stream along the road runs all the way down to Cobbetts Pond and there is a strong flow into the lake. The section of road has been washed out several times.

Ms. DiFruscia shares the same concern as Mr. Nikitas; she has never seen it as intermittent or seasonal. Anything running off of there can't afford any additional impact into Cobbetts pond; it's a serious issue.

Mr. Zohdi commented that at the last meeting there was a talk about the walking trail. Mr. Zohdi stated that residents in similar developments have not wanted the walking trails. Mr. Zohdi volunteered to slow down the velocity of the drainage along the road. Mr. Zohdi redesigned the plan to move the buildings 100 feet from the edge of the road.

John Cronin asked if the development will make the current conditions any worse? Mr. Cronin stated the development should make the current conditions better per Mr. Gove and Dr. Van de Poll. Mr. Cronin will talk to Mr. Zohdi to engineer something to address the concern of the runoff and flooding.

Ms. Crisler stated she has concerns regarding porous pavement remaining porous long term. Ms. Crisler asked if the porous pavement fails will it be replaced. Ms. Crisler stated she would like to see something that would guarantee the maintenance, with a report to the town; and if it fails it gets replaced by the homeowners.

Mr. Cronin commented that the maintenance schedule shall be included in the declarations and covenant. Mr. Zohdi can work with Attorney Campbell to make sure the language is what the Planning Board is looking for and make sure it is put in the covenant.

Ms. Crisler will be looking at snow storage, and stated she heard of another development that is supposed to be 1 bedroom and they are 4 bedroom. Ms. Crisler wants to see the floor plans, particularly what is on the second floor and in the basement.

Mr. Gosselin would like to see a covenant that limits the house to 2 bedroom so the study cannot be turned into a 3rd. bedroom.

Attorney Cronin agreed to put something in the paper work that limits the houses to 2 bedroom.

Mr. Desilets commented that regarding the bonus item, per Mr. Keach's memo, #5, first bullet, it is not clear that it has been defined on the plan as not intended to be a giveaway. Mr. Desilets requested more information to decide on granting a bonus. Mr. Desilets needs a complete list of barrier free design features and have them defined.

Mr. Zohdi will design according to the regulations of elderly housing.

Mr. Desilets would like the applicant to include significant language regarding how substantial barrier free design features have to be. Mr. Desilets would like a comprehensive list of the barrier free design features as part of the plan.

Mr. Guttman would like to compile a list and of what is expected and provide it to Mr. Zohdi. \ Mr. Gosselin asked Mr. Desilets to forward the information regarding barrier free design features to Ms. Wood and have it forwarded to the applicant.

Ms. St. Laurent would like to see some creativity. For maximum bonus would like to see maximum creativity and fight for the bonus.

Mr. Guttman agrees with Ms. St. Laurent. He would like to see the list from Mr. Desilets.

Ms. Crisler looked at the regulation and it stipulates that all units shall be constructed to be adaptable for accessibility. Mr. Zohdi would have to exceed the regulation to qualify for the bonus. Ms. Crisler would like to see Mr. Desilets list that goes to staff and applicant.

Mr. Desilets made it clear he is willing to support the full bonus depending on what is submitted by the applicant.

Ms. DiFruscia is concerned about landscaping, Mr. Keach does not support individual landscaping and neither does she. Ms. Difrussia would like to see landscaping that will act to help with the issue of drainage. Ms. Difrussia would like to see a landscaping plan.

Ms. DiFruscia requested, with respect to the covenant, the applicant submit a maintenance plan for the pavement that includes an annual plan which gets submitted to the town Code Enforcement Officer. Mr. Zohdi will send a copy of the maintenance plan to Mr. Monson.

Mr. Zohdi will ask a landscaper to make a plan to be presented to the Planning Board.

Ms. DiFruscia asked if the driveway will be pervious.

Mr. Zohdi assured her every surface will be pervious.

Mr. Desilets asked the PB as we look to create the maintenance guidelines for pervious pavement do we want to say any maintenance can change over time.

Ms. DiFruscia believes now is the time to address maintenance starting with this plan. Ms. DeFruscia requested that the applicant comply with #5 in Mr. Keach's memo.

Mr. Rounds agrees that we need a unified standard in place. He is concerned about one applicant doing one thing and an applicant doing another.

Ms. DiFruscia believes we can't afford to have a gap while waiting for a standard with regards to a maintenance plan.

Mr. Gosselin asked the Planning Board for input on the recreation component.

Ms. St. Laurent commented that a trail along the swail would allow people to walk safely on a trail instead of the road to get their mail; based on the location of the mailboxes on the plan.

Mr. Zohdi agreed to work on Ms. St. Laurent's suggestion and get back to the Board.

Ms. Crisler read out loud the regulation regarding recreation.

Ms. DiFruscia commented that the position Mr. Zohdi is putting the board in by wanting a recreation bonus for the drainage issue can't be granted as they are two different things. The Board can't grant a recreation bonus as a tradeoff for addressing the drainage issue.

Ms. St. Laurent commented that the lay out seems a little scattered. Did you (Mr. Zohdi) consider doing any of them as duplexes.

Mr. Zohdi had no reply.

Mr. Desilets agrees with Ms. St. Laurent. Consider the appropriateness for the target audience. There are only 15 houses and the recreation needs to fit the size of the development.

Mr. Gosselin agrees with Ms. St. Laurent and Mr. Desilets.

Mr. Rounds asked Mr. Zohdi if it will be a burden to have a plan inclusive of recreational facilities.

Mr. Zohdi would like to ask the client regarding recreation facilities.

Mr. Desilets commented that the ordinance states a recreational plan shall be submitted.

Ms. Crisler is looking for a recreational plan that will convince her it is worthy of a recreation bonus.

Ms. Post having seen a number of recreation plans in the past they were site specific recommends that Mr. Zohdi make a recreation plan specific to the site.

Motion by Ms. Crisler to end the preliminary and design review phase.

Second by Ms. DiFruscia

Vote 6-1-0 Mr. Guttman opposed. Mr. Guttman believes we owe it to conservation commission to hear what they have to say.

Motion carries.

9:20pm recess.

9:30 meeting resumed

Ms. Post resumed her seat at the Board

Laura Scott, Director Community Development was staff for the remainder of the meeting.

Case # 2015-35 A Preliminary Major Site Plan/Housing for Older Persons Design Review & Cobbetts Pond and Canobie Lake Watershed Application (Lots 18-L-300 and 18-L-201)

A Preliminary Major Site Plan/Housing for Older Persons Design Review & Cobbett's Pond and Canobie Lake Watershed Application has been submitted for Lots 18-L-300 and 18-L-201 in the Professional, Business and Technology (PBT), Residence A and Cobbett's Pond and Canobie Lake Watershed Overlay Districts. The Applicant, Karl Dubay of the Dubay Group, on behalf of the owner, Angle Wood Pond Realty Trust, is proposing a mixed use development consisting of restaurants, medical uses, offices, research and development space, child care, personal service establishments, adult day care, commercial services and 32 units of 55+ senior housing (townhouse style). Shared parking, greenspace, private roads/driveways, and outdoor passive recreation uses are also proposed.

Motion by Ms. Crisler to open Case # 2015-35 A Preliminary Major Site Plan/Housing for Older Persons Design Review & Cobbetts Pond and Canobie Lake Watershed Application (Lots 18-L-300 and 18-L-201)

Second by Mr. Guttman

Vote 7-0-0

Karl Dubay presented his plan

- Ms. Post sees a major issue with access to the town houses in the back. Looking at Applewood drive, owners would have to go through 5 crosswalks and pedestrian traffic from the various businesses. This is a safety issue for the pedestrians and automobile driver. Ms. Post would like to see a separate entrance into the residential development.
- Mr. Dubay responded this is a live work play project. Crosswalks are a good thing.

Ms. St. Laurent suggested to make a change to the parking lot design. Mr. Dubay agreed.

Mr. Desilets does not have any concern with safety.

Tae Kang, 63 range road

- Concern didn't know about this new plan until now.
- Contract signed with them they won't put any spas in the development.
- Mr. Gosselin commented that any arrangements and negotiations between Mr. Kang and another party, not related to a planning aspect, there is not anything the Planning Board can do about it and probably shouldn't hear it as a Planning Board.
- Concern with a day care and spa center. There is going to be a line of traffic with day care drop off the same time the residents are coming home and there will be a ton of traffic.
- Mr. Gosselin replied the traffic studies are state mandated and the state will decide if the traffic will or will not work.

Robert Wright 3 Lakewood Rd.

- Suggested a curb cut to make the exit a real exit.

- What impact will the development have on the natural spring and the flow of water towards the lake.

Peter Mullet 57 Range Rd.

- Requested a walkway connecting from the road into the development.
- Mr. Dubay agrees and will add that to the plan and work with Mr. Mullet.

Donna Morgan, 5 Edgewood Road

- Regarding the rotary she has a fleet of tractor trailers.
- Make the rotary big enough so deliveries can be made.
- What is the buffer along Edgewood Road?
- Mr. Dubay responded the buffer will meet regulation and he is willing to work with the abutters.
- Wanted to clarify the stone wall won't be disturbed.
- Mr. Dubay confirmed the stone wall won't be disturbed.

Kamal Haddad, 7 Edgewood Road

- Supportive of the plan.
- Concerns about the buffer along Edgewood Road providing privacy.
- Concern about too many lights in the sky.
- Concern about safety and traffic.
- Mr. Gosselin reviewed the town's regulations that control building height.
- Ms. Crisler is very light sensitive and advocates dark skies.
- Mr. Dubay commented there will not be any storm water going towards existing abutter's property.
- Mr. Dubay explained his plan for buffer and is willing to work with the abutter and take their input.

Bill Shroeder

- Appreciation for Mr. Dubay reaching out to the lake association.
- Mr. Dubay met with board members and reviewed the plan.
- Pleased Mr. Dubay intends to meet all the ordinance requirement.
- Concern about storm water management and Mr. Dubay has been open to the association input and is open to peer review.

Derek Monson

- Echoes what Bill Shroeder said.
- Wanted to thank Mr. Dubay.

Pat Nysten, 4 Edgewood

- Echo Mr. Schroeder.
- Thanked the Planning Board for holding steadfast to this vision.

Motion by Ms. Crisler to continue Case # 2015-35 A Preliminary Major Site Plan/Housing for Older Persons Design Review & Cobbetts Pond and Canobie Lake Watershed Application (Lots 18-L-300 and 18-L-201) until February 3

Second by Desilets

Vote 7-0-0

Motion carries

Mr. Desilets excused

Motion to adjourn by Mr. Rounds

Second by Crisler

Vote 6-0-0

Motion carries

These minutes respectively submitted by Suzanne Whiteford